

Challenges in Electronic Records Management across Government

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Records and Information or, Why we do what we do

If - Information is power...

And - Records are the storage of information

Then – Records must be preserved for future generations

Why?...

**The foundation of democracy in America is
government accountability to the people**

What are the challenges (or why is it so hard!?!?!?)

- Socio-political
 - Resistance to change
 - Inability to keep pace
- Technology
 - Ever upwards and onwards
 - Little thought on looking back



Higher Standards

- As electronic records become more integrated into society, producers of those records will be held to higher standards of conduct
 - HIPPA
 - Sarb-Ox
 - Federal and State Mandates
 - Case Law

Legal Trends in E-records

- A party to litigation will be sanctioned for destroying electronic evidence even when paper print-outs are readily available (*Lombardo vs Broadway Stores, Inc.*)
- If both a paper record and electronic records are requested to be produced during discovery, then both must be produced (*re Air Crash at Detroit Metro*)
- The cost of recovering and sorting inadvertently misplaced email back-ups falls upon the party who failed to manage their electronic records, not upon the requesting party (*Bills vs. Kennecott Corp*)
- The failure to manage, preserve and produce electronic records will be construed against the party who destroyed the electronic records (*Cabinetware, Inc vs. Starcode Software*)

So the question becomes...
who takes care of the
records, and do they have
the knowledge?

Caretakers of Information

- Historically records sent to file room, staff maintained access to records and managed lifecycle based on need and legal requirements
- Now records are managed by users and IT staff, based on capacity and cost
 - Neither trained in the 'science of information management'

8 Requirements for Preservation

- Readable
 - Retrievable
 - Intelligible
 - Encapsulated
 - Reconstructible
 - Identifiable
 - Understandable
 - Authentic
- } Hardware
- } File Format
- } Content Management

* From *Authentic Electronic Records* by Charles Dollar

Hardware

- File Room of the 21st century
- Capacity and Speed double every 18 months
- Many choices
 - Tape
 - Optical
 - Hard Drives

First Immutable Law of Digital Archiving

“What hardware you use today will be obsolete within four years”

Archival Software Formats

- Native
- ASCII
- TIF
- PDF
- XML

Whenever possible seek the
open standard solution!

Remember WordStar and dBase II ???

Content Management

- Essential to maintain control of the information explosion
- Allows hard coded rules and information exchange
- BUT still requires a strong knowledge, understanding and implementation of basic records management

Second Immutable Law of Digital Archiving:

“Data is Data, a Record is a Record, It is the content that drives retention, not the media”

Risks

- Distributed, non-standardized environment
- Little or No mandates on E-records
- Limited technology expertise in some agencies
- Unpredictable data growth rate
- Few business models
- Emerging technologies
- Limited internal expertise

Management Issues

- Authenticity of record
- Metadata
- File naming conventions
- E-filing Cabinet
- Corporate Culture
- Start small with e-mail, web page
- Use existing retention schedules
- Educate
- Shift AWAY from desktops
- Management Software is a must!

Third Immutable Law

“Anything that you do today, will need major overhaul in two years”

Technology and industry changing at unprecedented rates... But, more records are ‘lost’ every day!

- Key is to be flexible and attack with forethought

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